

D/L 52
22.01.2025
Kausik
ct.no.35

W.P.A. 9639 of 2024

**Prabir Mahapatra
Versus
State of West Bengal & Ors.**

Mr. Sagnik Bhattacharya

...for the petitioner.

Mr. Tarak Karan

...for the state.

Petitioner submits that petitioner entered into an agreement for sale with the private respondent and paid a sum of Rs. 14.25 lakhs. However, the agreement did not materialize and as such the respondent returned Rs. 5 lakhs, but till date did not refund Rs. 9.25 lakhs.

Such information was furnished with the Officer-in-Charge, Raiganj Police Station. However, no steps have been taken by the concerned police station.

As none appears on behalf of the state, Mr. Karan, learned advocate who ordinarily appears on behalf of the state, is directed to represent the state. His appearance may be regularized by the concerned authorities.

In view of the police authorities not having taken steps and the fact remains that a part of the

money has been repaid as also the genesis and foundation of the case is relating to an agreement, I am of the view that in the present circumstances, petitioner would be at liberty to invoke the powers of the jurisdictional criminal/civil court in respect of recovery of the money as is the spirit reflected in the complaint addressed to the police authorities.

If an application under the relevant provisions of law are filed before the jurisdictional court referred to above the said court would exercise their discretion in passing necessary orders in accordance with law.

With the aforesaid observations WPA 9639 of 2024 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)